THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25681 of 2006

22.2.2007

Between:

Fishermen Cooperative Society, Pedana (V&M),
Krishna District, represented by its President –
O.Brahmaiah

… Petitioner

AND

The District Panchayat Officer, Krishna District, Machilipatnam
And others

… Respondents

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WRIT PETITION No.25681 of 2006

ORDER:

The petitioner is a fishermen cooperative society. Its members are eking out living by fishing in Vadlamannada village tanks since long. At the time of grant of lease for the year 2006-2007 and 2007-2008 as required under relevant Government Orders, second respondent issued orders on 17.11.2006 fixing the upset price for eleven tanks in the village for the purpose of leasing out to the petitioner on priority basis. The rates of upset price for each tank were communicated by the third respondent to the President of the petitioner society. Aggrieved by the same, the present writ petition is filed.

Learned Counsel for the petitioner submits that the fixation of Rs.5,25,000/- as upset price for the lease year 2007-2008 is arbitrary and respondents 2 and 3 failed to take into consideration the actual yield from all the tanks in the past.

Whether the upset price fixed by the competent authority for leasing out fishing rights to the petitioner is reasonable or not is a question of fact, which depends on various factors. This Court is ill-equipped to decide this question. Even according to the petitioner, third respondent initially directed them to deposit a sum of Rs.3,00,000/-, aggrieved by which, they filed W.P.No.22035 of 2006. After disposal of the said writ petition, the second respondent again decided the matter taking into consideration the upset price fixed for Rajaka Cheruvu. The petitioner has not placed sufficient material to appreciate the contention that the fixation of upset price is arbitrary. If they have any grievance, they may approach the second respondent again by placing necessary material for reconsideration.

The writ petition, with the above observations, is accordingly

dismissed. No costs.

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(**V.V.S.RAO,J**)

February 22, 2007.
YS